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| 09/975,102 | 10/11/2001 | Kousuke Asami | 201630-9001 | 8765 |
| 7590 | 01/08/2004 | | EXAMINER | |
| MICHAEL BEST & FRIEDRICH LLC 401 North Michigan Avenue Chicago, IL 60611 | | | BALBAN, SIMEON M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2686 | |
| | | | DATE MAILED: 01/08/2004 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. 09/975,102 | Applicant(s) ASAMI, KOUSUKE |
|------------------------------|--------------------------------|--------------------------------|
| | Examiner Simeon Marc Balban | Art Unit 2686 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on ____.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1 - 17 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1 - 17 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 5, 6) Other: _____ .

DETAILED ACTION

Information Disclosure Statement

1. The submission is in compliance with the provisions of 37 CFR 1.97.

Accordingly, the information disclosure statement is being considered by the examiner.

Abstract

2. The abstract of the disclosure is objected to because (page 5 line 25) should read "amplifier 37" not "amplifier 27". Correction is required. See MPEP § 608.01(b).
3. The abstract of the disclosure is objected to because (page 6 line 18) should read "through 323" not "and 323". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakanishi (U.S. Patent Number 6,047,195).**

Regarding **claim 1**, Nakanishi discloses a cellular phone for interchanging information with a base station (see figure 1 and column 3, lines 26 – 29) comprising: a first speaker (20) for selectively outputting a received speech or sound (see figure 1 and column 3, lines 45 – 50), wherein both conversation and acoustic sound is output via first speaker (20), a second speaker (22) for outputting sound (see figure 1 and column 3, lines 45 – 50); and a controller (23) for controlling output of received speech or sound from said first speaker and said second speaker in accordance with sound setting selected beforehand (see figure 1 and column 3, line 50 – column 4, line 6).

Regarding **claim 2**, Nakanishi discloses a cellular phone (see **claim 1**) wherein the sound setting is to cause said first speaker (20) to output a received speech or to cause said first speaker to output sound (see Figure 1, column 3 lines 45 –50).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 3- 5, 8, 10 – 12, and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi in view of well known prior art (MPEP 2144.03).

Regarding **claim 3**, Nakanishi discloses a cellular phone (see **claim 2**) further comprising: a conversation/acoustic amplifier (19) connected to said first speaker (20) for amplifying a received speech and sound (see Figure 1, column 3 lines 45 –50)

respectively; and a sound amplifier (21) connected to said second speaker (22) for amplifying sound (see Figure 1 and column 3 lines 45 –50). However, Nakanishi fails to specifically disclose two separate amplifiers connected to said first speaker. The examiner is giving Official Notice pursuant to Manual of Patent Examining and Procedure (MPEP) 2144.03 [R-1] Reliance on Common Knowledge in the Art or "Well Known" Prior Art for the following assumption: Separate audio amplifiers based on system requirements (amplification, frequency response) connected to the same output device is well known.

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made to utilize the cellular device of Nakanishi to achieve an enhanced sound quality/amplitude by employing separate amplifiers connected to said first speaker (20).

Regarding **claim 4**, Nakanishi and well known prior art disclose a cellular phone (see **claim 3**) wherein when said first speaker (20) is assigned to a received speech, said controller (23) causes a call incoming signal to be input only to said sound amplifier (21) connected to said second speaker (22) (see Figure 1 and column 3 lines 45 –50).

Regarding **claim 5**, Nakanishi and well known prior art disclose a cellular phone (see **claim 4**) wherein during conversation said controller (23) causes a received speech signal to be input only to said conversation/acoustic amplifier (19) connected to said first speaker (20) (see Figure 1 and column 3 lines 45 –50).

Regarding **claim 8**, Nakanishi and well known prior art disclose everything claimed as applied above (see **claim 3**). However, Nakanishi, which does disclose a

first speaker (20) connected to a conversation/acoustic amplifier (19), and a second speaker (22) connected to a sound amplifier (21) (see Figure 1 and column 3 lines 45 – 50), and a call incoming tone signal fed to amplifier (21), fails to specifically disclose the controller (23) causing a call incoming tone signal to also be fed to said conversation/acoustic amplifier (19) connected to said first speaker (20). The examiner is giving Official Notice pursuant to Manual of Patent Examining and Procedure (MPEP) 2144.03 [R-1] Reliance on Common Knowledge in the Art or "Well Known" Prior Art for the following assumption:

All of the elements (i.e. amplifiers, speakers) are present in the Nakanishi disclosure to implement a call incoming tone signal to be fed to said conversation/acoustic amplifier (19) connected to said first speaker (20).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made to utilize the cellular device of Nakanishi to achieve an enhanced sound quality/emphasis of the call incoming tone signal, by feeding the call incoming tone signal to said conversation/acoustic amplifier (19) connected to said first speaker (20) and said sound amplifier (21) connected to said second speaker (22).

Regarding **claim 10**, Nakanishi and well known prior art disclose everything claimed as applied above (see **claim 1** and **claim 3**).

Regarding **claim 11**, Nakanishi and well known prior art disclose everything claimed as applied above (see **claim 10** and **claim 4**).

Regarding **claim 12**, Nakanishi and well known prior art disclose everything claimed as applied above (see **claim 11** and **claim 5**).

Regarding **claim 15**, Nakanishi and well known prior art disclose everything claimed as applied above (see **claim 10** and **claim 8**).

8. **Claims 9 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi in view of Corkum (U.S. Patent Number 6,134,455).

Regarding **claim 9**, Nakanishi and well known prior art disclose everything claimed as applied above (see **claim 8**). However, Nakanishi fails to specify said controller (23) causing the volume of the call incoming signal output from said first speaker (20) to increase stepwise. However, the examiner contends that the ability to raise the volume of an audio signal in a stepwise fashion was well known in the art, as taught by Corkum.

In the same field of endeavor, Corkum further discloses (see Figure 2 and column 6 lines 10 – 15) “In another implementation, a plurality of different ringing level amplitudes are selectively formed responsive to determinations made by the determiner. Such plurality of ringing levels form, for instance, a step function, or increase in direct proportion to the determination made by the determiner (58).”

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made to modify Nakanishi to cause the volume of the call incoming signal output from said first speaker (20) to increase stepwise, for the purpose of gradually adjusting the audio volume to avoid startling the user.

Regarding **claim 16**, Nakanishi, well known prior art, and Corkum disclose everything claimed as applied above (see **claim 15** and **9**)

9. **Claims 6, 7 and 13, 14, 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi in view of Barber et al. (U.S. Patent Number 5,471,518).

Regarding **claim 6**, Nakanishi and well known prior art disclose everything claimed as applied above (see **claim 5**). However, Nakanishi fails to specify a speech memory for storing speech data wherein said controller (23) causes, when said speech data should be reproduced, a speech signal to be input to said conversation/acoustic amplifier (19) connected to said first speaker (20) and said sound amplifier (21) connected to said second speaker (22). However, the examiner contends that the ability to store speech data was well known in the art, as taught by Barber et al.

In the same field of endeavor, Barber et al. disclose (see Figure 1 and column 3 line 54 – column 4 line 7) a wireless communication device with internal memory (20, 36) elements connected through data and control busses to a controller/CPU (18) and the audio deck (26).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made to modify Nakanishi to allow for the storage of speech data, and to subsequently to play it over the provided audio outputs (20, 22).

Regarding **claim 7**, Nakanishi and well known prior art disclose everything claimed as applied above (see **claim 6**). Nakanishi further discloses (see Figure 1) a signal processor (made up of a modem (15), a frame processor (16), and codec (17)) for executing preselected processing with a signal received via an antenna (1) and radio section (made up of a switch (2), filters(3, 8), amplifiers (4, 9), mixers (5, 7), and a synthesizer (14)). Nakanishi fails to specify reading data out of memory to generate a

signal corresponding to said data, and a digital-to-analog converter (DAC) for digitizing an output signal of said signal processor and delivering a resulting digital signal to said controller (23). However, the examiner contends that the ability to store/read data and employing a DAC was well known in the art, as taught by Barber et al.

Barber et al. disclose (see Figure 1 and column 3 line 54 – column 4 line 7) a wireless communication device with internal memory (20, 36) elements and a DAC within the audio deck (26).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made to modify Nakanishi to allow for the storage of speech data, and to subsequently to play it over the provided audio outputs (20, 22).

Regarding **claim 13**, Nakanishi, well known prior art, and Barber et al. disclose everything claimed as applied above (see **claim 12 and claim 6**).

Regarding **claim 14**, Nakanishi, well known prior art, and Barber et al. disclose everything claimed as applied above (see **claim 13 and claim 7**).

Regarding **claim 17**, Nakanishi, well known prior art, and Barber et al. disclose everything claimed as applied above (see **claim 14 and claim 1**).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simeon Marc Balban whose telephone number is (703) 305-8731. The examiner can normally be reached on M - F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D Banks - Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Marsha D Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
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MB